

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

CENK UYGUR and JOHN WARD,

Plaintiffs,

v.

SOUTH CAROLINA; HENRY
MCMASTER, in his official capacity as
Governor of South Carolina; ALAN
WILSON, in his official capacity as
Attorney General of South Carolina; MARK
HAMMOND, in his capacity as Secretary of
State of South Carolina; SOUTH
CAROLINA DEMOCRATIC PARTY;
SOUTH CAROLINA STATE ELECTION
COMMISSION, JOHN WELLS, and
HOWARD M. KNAPP, in their official
capacities as Chairman and Executive
Director, respectively, of the South Carolina
State Election Commission,

Defendants.

Case No. 3:23-6879-JFA

**PLAINTIFFS' MOTION FOR DECLARATORY AND EMERGENCY INJUNCTIVE
RELIEF**

Plaintiffs Cenk Uygur and John Ward respectfully move this Court pursuant to Federal Rules of Civil Procedure 65(a)-(b), for a preliminary injunction and an *ex parte* temporary restraining order to enjoin Defendants South Carolina, Henry McMaster, Alan Wilson, Mark Hammond, South Carolina Democratic Party, South Carolina State Election Commission, John Wells, and Howard M. Knapp from (1) applying and enforcing South Carolina's Ballot Access Statute, S.C. Code Ann. § 7-11-20, and the South Carolina Delegate Selection Plan, to the extent

they disqualify naturalized American citizens from having their names included on the primary ballot; and (2) failing to take all steps necessary to place Mr. Uygur's name on the ballot for the February 2024 Presidential Preference Primary.

Additionally, the above-named Plaintiffs respectfully move this Court pursuant to Federal Rule of Civil Procedure 57, for a declaratory judgment that (1) the natural born citizenship clause has been nullified and repealed by the Fifth and Fourteenth Amendments to the United States Constitution; (2) South Carolina's Ballot Access Statute, S.C. Code Ann. § 7-11-20, and the Delegate Selection Plan violate rights guaranteed to the Plaintiffs by the First, Fifth, and Fourteenth Amendments to the United States Constitution, as enforced by 42 U.S.C. § 1983; and (3) South Carolina's Ballot Access Statute, S.C. Code Ann. § 7-11-20, and the Delegate Selection Plan violate Title VI, 42 U.S.C. § 2000d *et seq.* of the Civil Rights Act of 1964. This Motion for Declaratory and Emergency Injunctive Relief is based on the Verified Complaint, the accompanying memorandum of law, and the declaration with exhibits attached thereto.

In accordance with Local Civ. Rule 7.02 (D.S.C.) counsel for Plaintiffs was unable to confer with counsel for Defendants because (i) the motion is being filed before any opposing counsel has appeared of record in the case and (ii) the motion seeks emergency relief and time is of the essence.

Dated: December 22, 2023

Respectfully submitted,

FOSTER GARVEY PC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of December, 2023, a true and correct copy of the foregoing **PLAINTIFFS' MOTION FOR DECLARATORY AND EMERGENCY INJUNCTIVE RELIEF** was sent via overnight mail service to the following Defendants:

Henry McMaster, Governor
The State of South Carolina
State House
1100 Gervais Street
Columbia, SC 29201

Alan Wilson, Attorney General
The State of South Carolina
P.O. Box 11549
Columbia, S.C. 29211

Mark Hammond, Secretary of State
The State of South Carolina
SC Secretary of State's Office
1205 Pendleton Street
Suite 525
Columbia, SC 29201

South Carolina Democratic Party
The Don & Carol Fowler Center
1929 Gadsden Street
Columbia, SC 29201

John Wells and Howard M. Knapp, Chairman and Executive Director
South Carolina State Election Commission
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P.O. Box 5987
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